



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Robert Wilkes
58 Emerald Drive
Hillsborough, NH 03244

LETTER OF DEFICIENCY
#SP-2002-19
September 20, 2002

RE: DES Wetlands File #2002-02049, 58 Emerald Drive, Hillsborough

Dear Mr. Wilkes

On September 6, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Hillsborough Tax Map 16, Lot #285, Emerald Drive, Hillsborough, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a well-distributed stand of trees, saplings, shrubs and groundcovers was not left in place.
2. Tree-cutting debris was observed on the bank of Emerald Lake.
3. Evidence was observed indicating that at least one stump may have been removed within 50 feet of the Emerald Lake reference line.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES.

The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline of Emerald Lake. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions,
 - ii. proposed conditions after restoration with native vegetation.
- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be

from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed.

d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Please be aware that removal of stumps located within 50 feet of a public water is prohibited. DES is authorized to seek fines of up to \$1,500. per stump for this violation. Stumps are allowed to be ground flush with the ground surface, provided the root systems are left in place.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.


DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5611

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney
Hillsborough Conservation Commission
Hillsborough Board of Selectmen
Paul Sylvia, Emerald Lake Water District